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8 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA, ) No. CR 07-0568 MHP  
14 Plaintiff, )  
15 v. ) PARTIES' JOINT REQUEST TO CONTINUE  
16 MARK JACOBSON, ) STATUS HEARING DATE AND [PROPOSED]  
17 Defendant. ) ORDER

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19 It is hereby stipulated by and between counsel for the United States, Assistant U.S.

20 Attorney Kyle F. Waldinger, and counsel for defendant Mark Jacobson, Thomas F. Carlucci, that,  
21 subject to the Court's approval, the status hearing presently set for April 25, 2012, be continued  
22 and set for a status hearing on September 5, 2012, at 2:30 p.m. The United States has learned  
23 from the Court's publicly posted availability information that the Court is available on that date.

24 The defendant Mark Jacobson pled guilty pursuant to a plea agreement on September 24,  
25 2007, to one count of conspiracy to misappropriate, receive, possess, and transmit trade  
26 secrets, gain unauthorized access to a protected computer, exceed authorized access to a  
27 protected computer, and traffic in a password allowing unauthorized access to a protected  
28 computer, in violation of 18 U.S.C. §§ 1832(a)(5) and 371. The case was referred to the

JOINT REQ. & [PROPOSED] ORDER  
CR 07-0568 EMC

1 Probation Office for a presentence report. The plea agreement also includes standard terms of  
2 cooperation.

3 In light of continuing cooperation under the terms of the plea agreement, the parties  
4 jointly request that the status hearing on April 25, 2012, be continued for a status hearing on  
5 September 5, 2012, at 2:30 p.m. Additional time is needed for the defendant to complete his  
6 cooperation with the government, and, accordingly, this matter is not yet ready to proceed to  
7 sentencing. Specifically, charges have been filed against an alleged co-conspirator of the  
8 defendant, David Nosal. The Nosal case is numbered CR 08-0237 EMC. The United States has  
9 filed a notice of appeal in the Nosal case, and an en banc oral argument was held on December  
10 15, 2011. The Nosal case will not proceed to trial until the appeal is resolved. The defendant  
11 Jacobson is expected to testify in that trial. Because Mr. Jacobson will be required to testify at  
12 trial, his cooperation with the government's investigation is not yet complete.

13 For all of these reasons, the parties jointly request that this Court vacate the status hearing  
14 presently set for April 25, 2012, and set a status hearing for September 5, 2012, at 2:30 p.m.

15 SO STIPULATED.

16 Dated: April 9, 2012

MELINDA HAAG  
United States Attorney

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/s/  
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KYLE F. WALDINGER  
Assistant United States Attorney

Dated: April 9, 2012

/s/  
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THOMAS F. CARLUCCI  
Attorney for defendant Mark Jacobson

1 ~~[PROPOSED] ORDER~~

2 GOOD CAUSE APPEARING,

3 IT IS ORDERED that the status hearing presently set for April 25, 2012, is vacated. The  
4 parties are ordered to appear for a status hearing on September 5, 2012, at 2:30 p.m.

5  
6 Dated this 10<sup>th</sup> day of April, 2012

